

Court of Appeals, State of Michigan

ORDER

People of MI v Nargiz Ibragimova

Docket No. 308153

LC No. 08-009489

Christopher M. Murray
Presiding Judge

Michael J. Talbot

Cynthia Diane Stephens
Judges

In lieu of granting the application, the Court orders, pursuant to MCR 7.205(D)(2), that the February 7, 2011, order of the Wayne Circuit Court granting defendant's motion for relief from judgment hereby is REVERSED. This Court recently ruled that the new rule of criminal procedure in *Padilla v Kentucky*, __ US __; 130 S Ct 1473; 176 L Ed 2d 284 (2010), has only prospective application. *People v Gomez*, __ Mich App __ (Docket No. 302485, issued February 14, 2012). Therefore, the rule of *Padilla* does not apply to the instant case. The case is remanded to the circuit court for further proceedings consistent with this order.

This order is to have immediate effect, MCR 7.215(F)(2).

The Court retains no further jurisdiction.



A true copy entered and certified by Larry S. Royster, Chief Clerk, on

MAR 02 2012

Date

A handwritten signature in black ink, appearing to read "Larry S. Royster", is written over a horizontal line.
Chief Clerk